C.S.-100/ — SINGLE BENCH

003

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 236 OF 2006.

P.R. No. 232/06
Presented by Sri D.K. Vishwakarma
dated 16-1-06

PETITIONER : Bhaiyaram, Son of Mangla Nirmalkar, aged about 51 years, ex-permanent Gangman, Public Works Department, resident of village : Bhatapara, Tumgaon, Tehsil and District : Mahasamund (C.G.)

VERSUS

RESPONDENTS :

1. State of Chhattisgarh through the Secretary, Public Works Department, D.K.S. Bhavan, Raipur (C.G.)

2. The Sub Divisional Officer, Public Works Department, Mahasamund Division, Distt : Mahasamund (C.G.)

3. The Executive Engineer, Public Works Department, Mahasamund Division, Distt : Mahasamund (C.G.)

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16.1.06
CLERK to A.G. BILASPUR

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT, DIRECTION IN THE NATURE OF MANDAMUS ..... ETC.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

029

आदेश पत्रक

मामला क्रमांक WP 236/06 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

18-1-2006

Shri V.K. Pandey, Counsel for the petitioner.

Shri Satish Gupta, Dy. Govt. Advocate for the State.

Heard.

Learned counsel for the petitioner submits that the matter relates to Gang-man. He further submits that in batch of cases, including W.P. No.1722/2003 (***Mohanlal Dadsena and others vs. State of Chhattisgarh and others***); orders have been passed by this Court on 15th September 2005. He prays for similar order in this case also.

Learned counsel appearing for the State is not in a position to dispute this fact.

Learned counsel for the petitioner submits that the petitioner approached to the authorities but he has not given the relief as there is no Court order. Accordingly this petition has been filed.

In the order dated 15-9-2005 passed in W.P. No.1722/2003 in batch of cases, this Court has held as under:-

> "3.....Purport of the order is quite clear and unambiguous as it appears from the perusal of the order as well as from the contentions of the petitioners that the gang men who have not completed the age of 60 years as on 30-03-2005 they will be allowed to continue till they attain the age of 60 years. It is informed by the learned counsel for the petitioner(s) that some of the gang men, who have already retired on completion of 30 years of service, have been paid retiral benefits i.e. gratuity only. This will be unfair, if the petitioners, who have retired before 30-03-2005 on completion of 30 years of service, though they have still some years to go before 60 years of age, are not given benefit of order dated 30-03-2005.

[पीछे देखिये

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक WP 236/06 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

4. For the reasons stated above, the respondents are directed to allow all the gang men, who had retired on completion of 30 years of service but have not attained the age of 60 years, to rejoin the services and continue till they attain the age of 60 years, subject to depositing the retiral benefits, if any, given to them.

5. In some of the petitions, the petitioners have prayed for regularization of their services as Gang-man. Learned counsel for the petitioners submit that the said prayer be dismissed as not pressed at present. However, the liberty be granted to the petitioners to raise the issue of regularization before the appropriate forum, if necessary. The petitions with regard to the prayer of regularization are dismissed as not pressed with liberty to the petitioners to raise the dispute seeking redressal of the relief of regularization, if necessary, before the appropriate forum.

6. In view of the foregoing, the petitions stand allowed to the extent indicated above. The respondents are further directed to comply with this order within a period of two months from the date of receipt/communication of this order. No order as to costs."

This petition also stands allowed to the extent of order passed in W.P.1722/2003. The respondents are further directed to comply with the orders within a period of two months from the date of communication/production of this order.

Certified copy as per rules.

Sd/-
Fakhruddin
Judge

Gowri

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